NARRATIVE
OF THE
Excommunication
OF
Sir *John Pettus* of the County of *Suffolk*,
Knight.

Obtained againſt *him* by his *Lady*,
Roman Catholick.

AND

The true *ſtate* of the *Caſe* betwee[illegible]

WITH

His faithful *Anſwers* to ſeveral *Aſperſions*
raiſed againſt *him* by *her*, to the prepoſſeſsing
the Judgments of ſome Honourable *Perſons*,
and Others.

Printed in the Year, 1674.

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To the READER.

THat he may make the more facile use of these following Discourses, to satisfie his Curiosity or Judgment in any part, (if his leisure will not serve him to peruse the whole) I have abstracted them under these distinct Heads.

First, *Concerning my Wives twice deserting me, and twice purloyning my Goods from me, and placing her self in a* Nunnery *beyond the Seas.*

Secondly, *Concerning my Ladies return from thence, after she had lived from me there 5. years; and 5. years before* incognita, *and of her proceedings towards me above 5. years since her return, to* Aug. 72. *and of her then unjust gaining an* Excommunication *against me.*

Thirdly, *Concerning my Answers to her several Scandals in her* Petitions *and* Libels *against me*; viz.

1. *To her pretended great Fortunes which she brought to me.*
2. *To my owning her Fortunes to be such.*

3. To

3. *To my false entry of Debts into the Accounts of Sir* Richard Gurney's *Estate, which were not his debts.*

4. *To the imperfection of her Joynture, pretended also to be bought with her money.*

5. *To the misrepresentations of my Fortunes and Disposition.*

6. *To my Compliance with several Persons in the late Usurped Times.*

7. *To my breach of promise to the* King *and* Councel, *in not paying her* 104 *l. per annum.*

Fourthly, *Concerning her next proceedings against me from* Aug. 72. *at the* Councel Table, *and then at* Doctors Commons, *where her Excommunication of me is once more gain'd; and once more, viz. in* June 74. *caused to be published in the Church.*

Fifthly, *And so I conclude with the publique Injuries she hath done, in diverting me so many years from some Eminent Services, some of which are particulariz'd.*

Concerning my Wives firſt Separation from me, and her firſt purloyning of my Goods.

AFter we had lived about 18 years very Sociably and contentedly through all the Accidents of thoſe Times, She (about 15 years laſt paſt) went away from me (without any juſt cauſe given on my part;) but poſſibly ſhe being guilty of the changing her *Religion*, or ſome other *diſobligations* on her part, did think fit to *deſert* me, and ſo continued *incognita* full 5. years of the 15. When ſhe firſt went from me, it was privately and unſuſpected of me, ſo as by her Confederacy with a Servant of her Fathers, whom I kept in *Suffolk*, (I being in *London*) he convey'd away by her directions ſeveral Horſe-Loads of Goods in the Nights, of a conſiderable Value, which I could never Retrieve. Soon after this her *firſt ſeparation*, I imparted my Misfortunes to Biſhop *Duppa* (*after Biſhop of* Wincheſter, *and Tutor to his Majeſtie when Prince*) with whom ſhe had lived in her younger years, and I muſt ever acknowledge the great pains he took by often coming from *Richmond* to *London* to her; but at laſt ſhe abſented her ſelf from *him alſo*, and then he imploy'd other Reverend *Divines* to her, and writes to me thus, *viz. I have ſent her word that I have heard and ſeen many Propoſals of yours to her, but I could never hear of any of hers to you, but I have deſired this Religious Peace-maker Dr. T. to preſs her in this particular.* In another thus, viz. *My former Letters to your Lady being rejected, I have no other Shrine to addreſs my ſelf to but to God,* &c. And in another (a little before

his Majesties Return) thus, viz. *I dare not ask you any thing concerning your Lady, for I fear her inflexible disposition hath not yet relented, but I perswade my self that you keep the same preparation of mind to receive her, when she shall so soften her heart as to desire it.* And these Personal and Literal Applications from several Worthy *Divines*, and from her neareſt *Relations*, continued full 5. years, but could not batter down her *obstinacy*.

Of her second Separation, and second purloyning from me.

IN 1662. my only Son (returning out of *France* a very accomplish'd and endearing Person) did work upon her to *Return* to me (being then a solitary House-keeper in *Westminster*) to which she consented, so as I would pay her *Debts* amounting to 6. or 700 l. which I yielded to, so as my *Jewels* might be restored, which was performed on both sides; but her debts amounted to more then 800 l. which I paid, and upon her *Return* I presented her again with my *Jewels* above the value of 900 l. (however her *abettors* undervalue them) barely upon her and my Lord *Richardson's* promise that she should restore them, when ever I demanded them, (most of them being only lent me by my Mother.)

But soon after my only Son fell sick (upon breaking a Vein) and I do believe his dayes were shortned by her demeanour towards me, after my so kind reception of her) and with that distemper and grief in his passage into *Suffolk*, (where desirous to be buried) he dyed.

After I had performed his Funerals, I writ to her several Consolatory Letters, and when I thought those might have made some kind impressions, I writ some *Proposals* for our more contented living for the *future*; which *Letter and Proposals* she sent back to me with this onely *Answer* writ and subscribed with her *own hand*, *That she would consent to none of them*; upon which I writ again to her, That the Lease of my house being near expir'd, that she might take care for some convenient house of a less rate, and furnish it with *some Goods*, and send the *rest* into *Suffolk*: But instead of removing part of them to another *house*, in the Night times she rifled the *whole house*, and sent away *Pictures* (pawn'd to me for a considerable summe) to one place, my Books, Goods,

Rarities,

Rarities and other Pictures to other places, and this done so suddenly, that I had no notice till the most valuable were disposed of; and so soon as she had thus twice made those *purloynings* and disposed of them this *second time*, she went again from me, and to a Nunnery *beyond Sea*, without my *privity*, *consent*, or the least *allowance*; and she had not been there long, but a Person of quality of her Religion (yet my very good friend) acquainted me with it, and told me 'twere better for me to allow her something there, then that she should return again, and that if I would, the Pope would grant us a Divorce; I answered, That I knew no cause of Divorce on my part, and if there were, it might be done by our own Lawes; but when I perceived from his discourse no likelihood of the *restitution* of my *Goods* and *Jewels*, I was content she should have the Rent of her Fathers house in *Cheapside* so long as the Lease continued, which being 100 l. *per annum*, was duly paid her for 5. years whilst she continued in the *Nunnery*.

Concerning her Return *from the* Nunnery *after she had been there* 5. *years* instructed.

AFter her 5. years continuance in the *Nunnery*, upon some encouragement (as I conceive) she comes over into *England*, and demands no less than 200 l. *per annum* for Alimony, yet no restitution of my Jewels or Goods to be had: But the Lease of the house in *Cheapside* was newly expired, and my Fortunes thus and otherwise exhausted, I declared that I could not spare such an annual Rent, nor any thing near it, and that my Fortunes being uncertain, I could not agree to any other *certainty*, then that what *Incomes* did come monthly or quarterly in, she should have such a proportion of them as should be agreed on; but this liked her not, so she Petitions to the *King* for *Alimony*, and therein boasting of her great Fortunes, his *Majestie* refers it to the Lord *Keeper Bridgman*, who reported that he could not Compose the matter.

Then she attended the *House* of *Commons* dore for near a month together with a most *scandalous Petition*, which she shewed to several *Members* of Parliament as they passed by, not with in-

tent to have it read in the Houſe, but to *defame* and leſſen my eſteem there as a Member; but at laſt upon my importunity to ſome of my fellow Members, ſhe could not refuſe to deliver it into the hands of one of that Houſe, who (not withſtanding my *preſſing to have it read*) did not put it forward, which occaſion'd me to ſpeak that in the Houſe concerning her and her party, which made her forbear any furthar *attendance* that *Seſſions*, or any reply.

After that Seſſions ſhe preferrs a *Libel* far more *ſcandalous* into the *Spiritual Court*, where alleadging my *cruel uſage* of her to be the Motive of her going from me, and that *allegation* more then 10. years after her firſt ſeparation, and more than 5. after her ſecond *ſeparation* from me, and made no Proof thereof in Court, nor produc'd ſo much as one Witneſs to confirm it, (nor ever can) without admitting any *allegation* on my part, either whether *Alimony* were *due* to her or not, and that though by the *Eccleſiaſtical Laws* Goods and Jewels ſo taken, ought to be allow'd in the *Alymony*, yet the Court not only denyed to *admit* of my *allegations*, but denyed ſo much as to *admit* that ſhe ſhould anſwer to what *Goods*, and to what *value* they were of, which were taken from me (which might have been diſpatcht in 2. days, if ſhe had pleaſed) ſo as I was ſentenced to pay (meerly upon her *falſe ſuggeſtions*) 4 *l. per* week, from *October* 1673. (when ſhe firſt put in her Libel) without hearing of any thing I had to ſay in my defence; upon which I *appealed* to the *Delegates*, who abated 20 *s.* a week of their rigour.

And though in all this time I could not be perſonally preſent as I deſired, to *adjuſt* my Eſtate and what ſhe had taken from me (which ought to have been the *ground* of *Alymony*) in reſpect I was imployed as Deputy Lieutenant, Colonel of a Regiment of the Traind-Band, Juſtice of Peace, and Deputy to the Vice Admiral, for that part of the County of *Suffolk* (where all the Ingagements were with the *Dutch*; and had got ſo great a hurt in my Legg (of which I am not yet fully Cured) occaſion'd by going a Board the Duke for Orders) of all which full Notice was given the Court; yet almoſt at the very time of the Ingagement, I alone was thought fit (*right or wrong*) to be Excommunicated, only by 3. Doctors, 5. being preſent, whereof 2.

excepted

excepted againſt it, as not done to the meaneſt *Seaman* or *Souldier* upon producing of a Certificate: And accordingly it was Publiſhed in the Church, when I was alſo in great Imployments in diſpoſing priſoners, &c.

And this is the ſubſtance of the *Caſe* between my Lady and me to *Auguſt*, 1672. But before I acquaint the Reader with any further Proceedings in this Court, I think fit to give my Anſwers to moſt of the material Scandalls, which ſhe hath vented in her Petitions, Libells, and common Diſcourſes. And though I have obſerved, that ſometimes it is better to let *Scandalls* and *Libells* dye in their own aſhes, than by defences to give them further flames by *publication* or *exaſperations*; Yet having for many years groaned under the Clamours of ſeveral perſons, which I find by my long ſilence hath done me injury, ſome having imputed it to a *conceeſſion* (which was only either my modeſty or prudence not to oppoſe); I am at laſt covinced by ſome of my worthy Friends of the neceſſity of *Publiſhing* my own *Juſtification*, which I ſhall do with as much *cleerneſs* and *integrity* as is poſſible for my Pen to perform.

The Spring from whence all my Misfortunes herein ariſe is, from the Lady *Eliz. Pettus*, who calls her ſelf my Wife, That ſhe was ſo, whileſt ſhe lived contentedly with me about 18. years; I own, that ſhe is ſo; Now is a *doubt* in our *Laws*, which I deſire may be fairly decided, (ſhe having gone from me about 16. years, ſince the ſaid 18.) before I give her any other Title than my Lady; Nor would I have ſet Pen to Paper to ſatisfie the vulgar tatling Brains; but my Buſineſs having been before the *King*, the *Councel*-Table, *Parliament*-Houſe, *Civil* and *Eccleſiaſtical*-*Courts*, *Cities*, *Burroughs* and *Counties*, wherein I have had ſignal Tranſactions as well in this, as other matters, I thought my ſelf obliged at laſt, to give the Reader ſuch a juſt Account of my ſelf as by undenyable Proofs may render me (I hope) blameleſs, in theſe matters whereof I am *accuſed*, and which have occaſioned the grounds of thoſe *Aſperſions*, which have moſt evidently injured me, in that cleer Reputation, which I conceive nothing could have ſhaken, but *Malice* and *Credulity* to believe what ever ſhe reports.

Now to ſatisfie ſuch perſons, I ſhall proceed in my *Anſwers*, and I hope ſo convincingly, as may once more obtain their juſt *Eſteems*, and free me from her unjuſt *Aſperſions*.

The First.

Aſperſion (and of greateſt weight to guide the Judgments of others in point of *Pitty* and *Alimony*) ſhe hath toſs'd about in her Petitions to the *King* and *Councel* very modeſtly, that ſhe brought 12000 l. Portion to me; but in her Petition pretended for the *Parliament* ſhe affirms more: To the Eccleſiaſtical Court, 40, 30, or 20000 l. and in her common diſcourſe 29000 l. at leaſt.

To which I anſwer, That if any of thoſe were true, I ſhould ſhew a very *ungrateful* Nature not to give her a *Subſiſtance* ſuitable; or if it be ſpent, I ſhould ſhew much *unworthineſs* not to acknowledge it: And to *convince* any, in this may ſeem a *difficult* task. But I ſhall thus attempt it; In ſhort, I have regain'd (by good fortune) Sir *Richard Gurney*'s *Tear-Book*, which now I have to produce of every Years *Inventory* of his *Eſtate* and *Debts* (all writ with his own hand, and his Name ſubſcribed to every page) (with a Prayer into bargain): The firſt begins the 28th of *Decemb.* 1629. and then the ſum of his *Eſtate* real and perſonal ſet down in particulars amounted to 27058 l. 12 s. 11 d. his *Debts* then 2431 l. 8 s. 5 d. So as his remaining *Eſtate* was then caſt up at 24627 l. 4 s. 6 d. and ſo the Books continue till 1642. upon ſeveral *increaſes* and *decreaſes*. But I ſhall not trouble the Reader with the Sums of every *ſucceſſive year*, (which are writ all with his own hand) but only come to his *laſt Account*, viz. 12. *Octob.* 1642. when he was a *Priſoner* in the *Tower*, ſo that during his life there, which ended *Octob.* 3d. 1647. his Eſtate being at that time *Sequeſter'd*, and many years after his *death*, no man can imagine that he could increaſe it, and by that *laſt Inventory*, and that only of all the reſt is writ by his Caſheere (yet living) and by that it appears his Eſtate amounted then to 46903 l. 12 s. 4 d. which was the higheſt of all his *Inventories* from the Year 1629. to that time, and the Debts which he owed on the other ſide were 10607 l. 18 s. 1 d.

So

So that the ballance of his Estate was then, but

Now at his death there was but 25 l. left in money. So that the 46903 l. 12 s. 4 d. is thus clearly and shortly accounted for:

	l.	s.	d.
Imprimis, his *Funeral* cost as appears by a just Account, *all borrowed*	0562	19	1
The *Lady Gurney* his second Wife his Relict had a *Statute* on the whole Estate, so that we were forced by *Decree* of Chancery, (of which we *borrowed* the greatest part) to pay her down	8220	00	0
Haberdashers Hall had (besides charges) part *borrowed*	1248	00	0
The *Lord Richardson* had for his Portion, *part borrowed*	6200	00	00
And *He* and his *Lady* in Composition for the remaining Estate hereafter mentioned, had *part also borrowed*	3556	00	00
The Debts due upon the Inventory aforesaid made in 1642. were duly paid, *viz.* *part also borrowed*	10607	18	01
Other Debts contracted in his *Imprisonment* and paid by us, and *part borrowed*	1860	13	09
Legacies paid by us	0896	00	00
So the Debts which were actually contracted by Sir *Rich. Gurney* and paid *ut supra*, amounted to	33151	10	11
And the Estate yet remaining in *Securities*, is	13356	12	06
Totall	46508	02	05

Now

	l.	s.	d.
Now the utmost of his *Estate* being never above	46903	12	4
And the undenyable Disbursements without any Addition of Charges with the Remainder being	46508	11	4
The Whole Account is ballanced with	395	1	0

So that where was the 40 30 29 or, 12 thousand pounds, or 2 pence to be had (as is pretended by her *Allegations*) for can any one fancy (but a Woman) that 395 *l.* 1 *s.* 0 *d.* could mannage an Estate so *incumbred* when he died, in 13 *Committees*, in *Statutes*, *Judgments*, *Mortgages*, *Accounts*, of great and various natures, and perplext *Suits*, which are scarce yet determined, besides the troubles of 5000 *l.* which the then Powers would have had out of that Estate; the *Contests* about which lasting above 9. years after his death. And after I had been *Sequestred* 4. years upon the *general* Account, I stood sequestred one year and a half more to preserve the Lord *Richardson* (joynt Executor with me in right of his Lady) from the moyety of that 5000 *l.* which he had contentedly secured to *Goldsmiths-hall*, rather than stand it out, as I did; at last after 6 years in his life time, and 9 years after his death I was freed from this unspeakable trouble and charge about the 5000 *l.* and the Lord *Richardson* from the Security which he had given so tamely for the moyetie: by the kind and just assistance of *Charles Fleetwood* then Lieutenant General; but I could never retreive the 700 *l.* which the Committees took from me of my own Mony, by Seisures, and Rents.

Which made the Lord *Richardson* then so sensible of my *care* and *trouble*, and *charge*, that by the advice of Sir *Thomas Bedingfeild*, and Sir *Thomas Kunt* (both of our *standing Council*) he and his Lady with my Lady, did under their *hands* and *seals* make over the most considerable part of the remainder of Sir *Richards Estate* to me, for my *Reimbursement* and *Satisfaction*: But my Lady not having that advantage by it, which she expected, (I being not obliged to it by any such Conditions) she

ſhe *proteſted* and *continues* in that minde, that ſhe was *forced* and *inveigled* into it, whereupon from that time to this in regret to that part of her *ungrateful nature* (after all my endeavours to preſerve the repute of her Father) I thought fit ever-ſince not to concern my ſelf in the advantages of it, although I might Legally have done it, as well for my *recompence* as for my *reimburſement* of very conſiderable ſummes which I have expended, and to which I am ſtill ſubject by the continuing *troubles* of that *Eſtate*: So that from the death of Sir *Richard Gurney* to this time, I hope it doth Clearly appear to any rational man, that I have had no profit out of that Eſtate, and as evident to their Judgments, that beſides what hath been received, that my diſburſements muſt neceſſarily be very great, as in truth they are.

Now from the time of my *Marriage* to his Death, I never received more then 4000*l.* for his *Portion*, which ſummes my then *Eſtate* might juſtly expect, according to the *ſtricteſt Rules* of *City Matches*, her *Brother* was then living; and I had then *poſſibility* on my ſide from my Father and Mothers Relations, greater than could be expected from hers; ſo that 4000*l.* I had, and no more during her Fathers life.

And I am ſure when ſhe went from me the firſt and ſecond time, *viz.* in 57. and 62. ſhe *purloined* and *received* much more from me that ſumme; ſo that I conceive every ſmall accountant may be ſatisfied that I have loſt much, but got nothing by her, from *firſt to laſt*, and if any one out of *Juſtice* to her or me ſhall deſire to be ſatisfied in any of theſe *allegations*, I will truely and thankfully produce the Books and Accounts for their ſatisfaction, and my own *vindication* herein.

Secondly, Next ſhe ſaith, That ſhe can prove, that when ſome did alledge to me, That ſhe had brought me a great *Fortune*, that I never denyed it.

To which I Anſwer, That it had been a weakneſs in me, if I had, nor ſhould I have now done it but upon this occaſion, for that *eſtimation* of her *Fortunes* poſſibly did carry me through her Fathers and other great concerns.

Thirdly, She ſaith, I have put into the Account of Sir *Richard Gurneys* Eſtate ſeveral Debts, which were not Sir *Richards*.

To which I Anſwer, That I do acknowledge it, but do alſo affirm, that that they were Monies borrowed to pay Sir *Richards* Debts as aforeſaid, for we could not pay the Lady *Gurney*, nor the Lord *Richardſon*, &c. ſo great ſummes without borrowing conſiderable ſummes, and ſo there is no injury done thereby, for it was equal whether we paid Intereſt to the Lady *Gurney*, &c. or to ſtrangers, only by changing hands we had ſome advantages, in changing *real ſecurities* into our perſonal ſecurities.

Fourthly, Next, That her *Joynture* falls ſhort of 500 *l. per annum*, according to my Covenant, and that, that Eſtate was bought with her *Portion*.

To which I Anſwer and Affirm, That this is only her miſtake, for I bought *Cheſton* in *Suffolk*, (which is her *Joynture*) and pay'd for it with my own Mony before Marriage, but the Mannor of *Winhaſton*, which is within 2. miles of *Cheſton* of about 300 *l. per annum* I bought with her *Portion*, with ſome addition of my *own*, as alſo a *Farme* of 130 *l. per annum* not far from *Cheſton* (but both that *Farme* and *Winhaſton* being then about 400 *l. per annum*) I ſold again ſoon after Sir *Richard Gurneys* death with her conſent, to pay the Mony which I had taken up for my *Compoſition*, and cleering of my Debts contracted in the laſt *Kings Warrs*; which ſurely I had not done (lying ſo commodious for me, that they are Eye-ſores to me every morning I look out, but not to my Heart in its Loyalty) if I had not a cleer proſpect that Sir *Richards* Eſtate would afford me *nothing*, or not any thing till the great *Incumbrances* and *Debts* on his Eſtate were firſt diſcharged; So that if *Cheſton* which is her remaining Joynture (free from any *præincumbrance*, as ſhe alſo *aſſerſeth*) doth fall ſhort of her expectation (as to value) ſhe may impute ſomething to the *times*, or may ſue my *Executors*, and not now do what ſhe can to obſtruct me in any Capacities that may make good my *intentions* by *addition* or *improvement*, if either ſhe, or her *fortunes* had deſerved ſuch from my Induſtry.

The next is, Her publick *miſrepreſentation* of my *Fortunes* and *Eſtate*, and as if I denying to allow ſuch *Alimony* as ſhe thinks fit, were out of a *cruel* and *niggerly diſpoſition*, and withall publiſheth, what great Fortunes I have acquired by the late death of my *Mother*; and by my *ſervices* to his *Majeſtie* and his

bleſſed

bleſſed Father; and what other great ſummes I have in other mens hands.

To which I anſwer, That if my diſpoſition had been *cruel* as ſhe alledgeth in her *Libel*, or *niggardly*, it would ere this have been ſeen by ſome others, as well as her ſelf, for as yet there is nothing appears but her ſingle *affirmation*, and my *poſitive denyal* to own ſuch *baſe tempers*; and I am ſure this *aſperſion* cannot hurt me with any who will be ſo kind as to enquire of my whole *Life* and *Converſation*: But as to the other part of her Charge, ſhe hath done me an unſpeakable injury; becauſe the *Creditors* (to whom I am ingaged for ſeveral other perſons (more reſponſible than my ſelf) who hitherto have been patient) upon theſe ſuggeſtions have fallen on me with great ſeverity; and therefore to undeceive and reduce them into a better temper, I do really and truly declare, That I never had any thing from the laſt King, nor his preſent Majeſtie ever ſince 1639. when I firſt entered into their *Military* and *Civil Imployments*; and yet I muſt ingeniouſly confeſs, their reſpects have been ſuch to me, that they never denyed me what ever I *asked*, but I muſt as truly ſay, that I never *injoyed* what ever they granted me.

Next as to the advantage by my *Mothers* death, It is quite contrary (for beſides the loſs of ſo good a one) I loſt the benefit of above 400 *l. per annum*, part of which being the Joynture from her ſecond Husband, ſhe injoying it neer 50. years, and I receiving the benefit of it for many years, 'twas lookt upon as an *acceſs*, when in truth it was but a *deceaſe* of ſo much of my *Fortunes*, and I muſt acknowledge to the Repute of her *Memory*, that by her great aſſiſtance, and by the Sale of all the Lands I could ſell, and by getting in ſuch of my Debts, as I could fairly perſwade my *Creditors* to pay, I have within Ten years laſt paſt freed my ſelf from above 28000 *l. Debts* and *Ingagements*, by which my diſpoſition may be ſeen, how juſtly I intend towards all men, whether the Debts were properly mine or not, and yet there are remaining ingagements, and but very few of which I can properly call my *own*, to ſatisfie all which, I am and ſhall be *induſtrious* as they themſelves can be, and I hope there is ſufficient left for Us both, eſpecially if my *Debtors* be as juſt to me, as I ſhall endeavour to be to my *Creditors*.

Then in her *Petitions* to his *Majestie*, the *Parliament*-House, and in her *Libels* in the *Spiritual Court*, she was pleased to intimate my Relations to some men of *Power* in the late *usurping* Times, touching upon *generals*, but not *particulars*, onely Col. *Fleetwood*.

Concerning whom, I return this Answer, That I had some Opportunities to vindicate my self at the *Councel-Board* the First of *Octob.* 1672. (being summon'd thither upon her Petition) where his Majestie was present) and amongst other things, to that part of her *Petition* which she intended as a *blemish* to me, I spake in these words to His *Majesty*, as near as I can remember what I had writ.

Sir, I do acknowledge I received *Civilities* from many who were in considerable Imployments in the time of your *Exile*, but especially from *Charles Fleetwood* Esq; (then Lieut. General) whose first Wives name was *Smith*, and she was of Kin to me by 4. several Families, *viz.* the *Lord Hoptons*, Sir *Edmund Mundiford*, Sir *Owen Smith*, and her *Father Smith*, and from them she inherited a considerable Estate, and when she lay on her Death-bed, she foreseeing the probability of his marrying again, and of other greater Imployments, she (as I was informed) desired him, that in his absence I might have the Inspection of his Childrens concerns by her; which I accepted, proposing only, That he would please to settle the *Estate* that came by her, upon them; which he freely did, reserving but a small *pittance* for himself; which *worthy act* of his did much oblige my *Care*.

But this was not the ground of our *Acquaintance*, for I was taken Prisoner at *Leyslaffe* in 1642. by *Cromwell*, and after when *Bristol* was surrendred to *Fairfax*, both my self and Wife wanting Accommodations to march away, we received several *Civilities* from him; and after all this, he saved both my *Life* (as I could at large demonstrate) as also my own *Estate*, and Sir *Richard Gurney*'s, and my Lord *Richardsons*, so that my *Lady*, nor any else had any reason to accuse me for my *Respects* to him: And though he was a Person not to be tempted to *unfaithfulness* to his Party, yet there are many of the Chief *Nobility* of *England* who did, and are ready to Justifie what great

great *Civilities* and Kindneſſes he did in the preſervation of their *Perſons* and *Eſtates*, (and I could boaſt how inſtrumental by his Favours I was therein), and though I had alwayes a generous *kindneſs* from him, yet I never accepted of *Place*, *Office* or *Imployment*, or any *advantage* more then my own *preſervation* by him and by his *Kindneſs*, (which I eſteemed greateſt of all) I was preſerved from the preſſures of *Oaths* or *Renunciations*; and by his aſſiſtance I did *Courteſies* to *many*, never any *injury* to *any*; and though in the higheſt of his *power* my *Lady* did run from me, yet I never made uſe of it to *reduce* her, or *revenge* my ſelf on thoſe who *perverted*, and *inveigled* her from me; though *tempted* to it.

And that I may ſtand right in your *Majeſties* Eſteem, and free others of the leaſt doubt of my *Fidelity*, I freely offer, That if ſhe or any elſe have any matter to *charge* me with, I deſire they may proceed in the *charge*, and I do proteſt, that although her *Scandalous* Petitions here and elſewhere are contrary to, and thereby an *affront* to your *Majeſties* Act of *Oblivion*, granted ſoon after your Return, yet in this caſe I will *decline* it, or any *Priviledges* I have by being a *Member* of *Parliament*, and ſtand wholly upon the *Juſtification* of my Integrity, and being well aſſured in my ſelf that my *Principles* would not ſuffer me to be inſnared into any act or pretence of *Diſloyalty*, (more then a quiet ſubmiſſion to the preſent Power over me) and I wiſh all men would as I do, diſcover their *Principles*, and you would be more ſafe in your Subjects.

Sir, I do without wavering own my ſelf a true *Proteſtant* and Profeſſor of the *Doctrine* and *Diſcipline* of the *Church* of *England*, being the beſt *Reformed Church* in *Europe* in its *Foundations*, though it may be not at this time in its *Practice*. *Doctor Hammond* was my *Tutor* as to the *Doctrinal* part; Admired *Hooker* to the *Diſcipline*, and I doubt not but I ſhall alwayes adhere to the *Principles* of being dutiful both to *God* and the *King*; and though *Coll. Fleetwood* and I did not agree to *all* the *Fundamentalls* of this *Church*, yet no man can perſwade me from my *gratitude* towards him, for I do own (as I ſaid) the former part of my *Life* and *Fortunes* to him; and what I can do with ſafety to your *Crown*, to preſerve him, I ſhall do

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it: And I hope my Reasons being thus grounded and known, it will give no offence to your *Majestie* or any else.

And I have this Satisfaction in my self, that your *Majestie* would not have committed so many weighty *Trusts* to me, if you had the least doubt of me; and therefore setting aside these groundless *tattles* of my *Ladies*, I shall go on in my Continued *Obedience* to your *Commands*, and Care of your Majesties Affairs, without regard to this undeserved *Aspersion*.

She accuseth me of breach of Promise to the King and Counsel, In not paying her 104 *l. per annum.*

This hath made a great noise about the *Court*, where I would gladly preserve my just *Interest*, and therefore I shall be the clearer in my *Answer*, That after she had *got* the *Excommunication* in 72. as aforesaid, lest she should (as I suppose) offend his *Majesty* in further proceeding, it being gained as a Contempt to his *Majesties Prerogative*, by the *Act* of *Edw* 2. cap. 9. she Petitions the *King* and *Councel* to confirm the same; so I attended the *Board* 31. of *Octob.* 72. where I represented the Proceedings of the *Spiritual Court*, and pray'd it might be *honourably* discharged; that my *Goods* and *Jewels* might be restored, and her Scandalous *Petitions* and *Libels* taken off their Files, &c. But the *Board* (being kinder than the Spiritual Court) insisted to have me pay 40 s. *per* Week: But I acquainted them with the present condition of my *Real Estate*, out of which nothing could be paid to her; But gave in a Particular in writing of the several *great Debts* owing to me, and by whom, and told the Reasons why I could not get them in without her and other *assistances*; and out of that personal Estate I was contented to allow any Weekly sum they should think fit.

This with other Discourses to the *Board*, occasioned one of them (my Honoured Friend) to rise from his Seat, and came and advised me not to Capitulate with his *Majestie* (who was then present); which advice being from a *Friend*, I could not but apprehend, but his *Majesty* would some way or other *assist* me (though he thought it not proper to declare it publickly); So I did yield to pay her 40 s. *per* Week, and did pay her accordingly for 25. weeks. But finding that she would not *concurr* with me

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in any thing, to get in her *Fathers Debts* or others, and that no consideration was taken of my *Reputation*, or *Incouragements*, and the Points about *Alimony* still lying undecided, I did stop my hand from paying any more to her.

Since which I was again summon'd to the *Board*, viz. in *Apr.* 74. where I did attend, and she also present, and the Board not taking upon them any compulsive power, but finding that I was not altered from my resolutions, they *dismist* us *both*.

Since which an honoured *Lord* interceded for her, to whom I gave in writing several Proposals on my part and hers, which his Lordship thought reasonable; and upon her refusal hath not any further interceded for her; and for brevity sake, I shall onely recite what she was therein to perform, being but the substance of part of what I did, and do still insist on, as both *just* and *reasonable*.

1. That she should make a *Submisse* Petition to the *King* and *Councel*, That the Excommunication may be honourably discharged, (it being contrived at a time when I was in *immediate* Commands to His *Majestie*) and that she also desire that her *Scandalous Petitions* to the *Board*, and Orders thereupon, may be *honourably* vacated; and that by order of the *Board*, the *Scandalous* Libels in the Spiritual Court may be also taken off their Files.

2. That she give in writing where and to whom her *Jewels* were pawned or sold, and for what sums, and what remains.

3. What *Pictures*, *Books* or other *Rarities* were delivered to E. M. C. F. M. S. M. C. all persons which I know, but think not fit to nominate them at present; or what of the like nature to any other *persons* unknown to me.

Notwithstanding which fair and just Proposals both for her and my self, so soon as I was once more fixt to the Affairs of the *Country*, she again revives the *Excommunication*, and in *June* last caused it to be *published* once more in the *Church*.

And now what I did lately, and intended to do for his Majesty, the Kingdom and Country, I shall briefly declare.

My House is within 6. miles of *Dunwich* and *Sowthold Bay*, where the great Transactions between us and the *Dutch* in 72. and 73. gave Trouble enough to those who were in Imployments; and having mentioned mine before, I shall only say, That I hope his *Majesty* and the *Country* are well satisfied of my demeanour therein, and I am sure I have had the thanks from some of the chief Officers.

Officers of *Prince Rupert's* Dragoons, the Earl of *Oxford's* Horse, and many of the Foreign Army, for composing many differences, which might otherwise have risen between them in the *Country*: and I dare be confident, that the other *Deputy Lieutenants* appointed for that *Division* being diverted by sickness or other Justifiable Accidents, will testifie my Care in supplying of theirs when they could not possibly attend: And all these without any return of *Recompence* to my great *Trouble, Charges* and *diversions* from my private Concerns, from his *Majesty*, the *Country*, or any else.

So soon as those two years were over, I betook my self to the review of our *Laws* for the *Militia*, so as by some additional Act, it might be put into a better posture, with more safety to the *King* and *Country*, and less fear on either side.

I had also digested all the *Laws* for *High-ways*, intending to reduce them into one, with an additional *Method* which might be more applicable to each *County*, then any *general Law* can be.

I did also give in a Proposal to the *Lords Commissioners* of the *Admiralty* in *May* last, for the mending a *Law* call'd *Christmas Law*, and the *Haven* at *Dunwich* and *Southold*, very beneficial to the *County*, without any Charge to the *King*, or *Imposition* on the County: But being diverted by this *Lady*, so many years together, It hath been as great a perplexity to my thoughts (that I could not pursue them to maturity) as the many fomented Vexations from her and others.

The Conclusion.

HAving stated her proceedings towards me, (there being many more which for brevity sake I omit) and the Incouragements which she hath received from others, (grounded I presume upon her many *false Accusations*, which I have truly, really and as succinctly as I can *answered*) as also shewn the publick Injuries which she hath done thereby;

I do affirm as a Conclusion, That I never yet refused *Cohabitation*, so as it may be safe to my *Person*, and my remaining Estate, and a mutual contentment in our future *Conversations*. But that being thought difficult, I also affirm, That I never denyed *Alimony*, but I think fit (*as useful to other Families*, and consequently *to the Nation*) to be resolved, whether in respect of her long *absence*, and *residence beyond the Seas*, in places *Prohibited*, she be capable of *Alimony*. Then if she be, Whether my *Goods* and *Jewels* ought not to be proportioned in the *Alimony*, or refunded: If not, then the the Condition of her *Revenue*, or *mine*, are to be considered (wherein I think my self a more competent Judge, then what can be Collected by *any Judges barely* and *merely* from her *Suggestions*, and shall endeavour to put a better certainty upon it, then they with *Justice* can impose upon me.

Nor do I think it prudent to move further, till some *publique Submission* and publication by some *Order* of Councel or otherwise be obtained for the *Vindication* of her Ungrateful and Scandalous *Aspersions* on me, which I presume I was born the servant of the *Kingdom*, immediately as I humbly conceive) on his Majesties Honour, and I am sure on my *Reputation*, which I ever valued as my Life.

FINIS.